

In the Matter of)
) CC Docket No. 95-116
Telephone Number Portability)

**COMMENTS OF
THE OKLAHOMA RURAL TELEPHONE COMPANIES**

**Atlas Telephone Company
Beggs Telephone Company
Bixby Telephone Company
Canadian Valley Telephone Company
Central Oklahoma Telephone Company
Cherokee Telephone Company
Chickasaw Telephone Company
Dobson Telephone Company
Grand Telephone Company
Hinton Telephone Company
KanOkla Telephone Association, Inc.
McCloud Telephone Company
Medicine Park Telephone Company
Oklahoma Telephone & Telegraph, Inc.
Oklahoma Western Telephone Company
Panhandle Telephone Cooperative, Inc.
Pinnacle Communications
Pioneer Telephone Cooperative, Inc.
Salina-Spavinaw Telephone Company
Santa Rosa Telephone Cooperative, Inc.
Shidler Telephone Company
South Central Telephone Association, Inc.
Southwest Oklahoma Telephone Company
Shidler Telephone Company
Terral Telephone Company
Valliant Telephone Company**

January 20, 2004

The above-referenced Incumbent Oklahoma Rural Telephone Companies ("Oklahoma RTCs"), by and through the undersigned attorneys, submit their comments in response to the Federal Communications Commission's ("FCC" or "Commission") Further Notice of Proposed Rulemaking ("Further Notice") on intermodal number portability issued November 10, 2003.

The Oklahoma RTCs are incumbent local exchange companies operating in rural parts of Oklahoma. As such, the Oklahoma RTCs are rural telephone companies as defined by the Telecommunications Act of 1996 and provide local exchange telephone services and exchange access services in rural areas of Oklahoma. Pursuant to orders of the Oklahoma Corporation Commission ("OCC"), the Oklahoma RTCs do not provide intrastate long distance services to end users in their respective service areas. Rather, the Oklahoma RTCs provide exchange access services to interexchange companies that originate such services in the Oklahoma RTCs' service areas. Additionally, with only few exceptions, CMRS providers do not connect directly with the networks of the Oklahoma RTCs, nor do CMRS providers maintain numbering resources in Oklahoma RTC switches. Rather, CMRS providers connect with Southwestern Bell's LATA tandem switch and deliver traffic to the Oklahoma RTCs for termination by transiting Southwestern Bell's facilities. As a result of this configuration and an OCC-mandated limitation, the Oklahoma RTCs do not share a common point of interconnection with CMRS providers and do not exchange local traffic with such providers.

In these initial comments, the Oklahoma RTCs will focus their comments on regulatory requirements and competitive issues surrounding the Commission's proposals regarding intermodal portability. Specifically, the Oklahoma RTCs believe the

Commission's proposal to require local exchange carriers to match the local calling area of a customer's former wireless provider is contrary to federal law. Additionally, the Oklahoma RTCs believe that the Commission's proposal to require ILECs to seek rate design changes at the state level only adds to the problem at hand and fails to resolve the issue. For the following reasons, the Oklahoma RTCs propose that the Commission reject any proposals requiring an ILEC to match a wireless carrier's local calling scope or placing the burden on the ILEC to seek rate design changes at state commissions.

The Commission does not have authority to establish the local calling scope of ILECs. Calls that originate and terminate within an incumbent local exchange carrier's local calling scope are intrastate calls, subject to the jurisdiction of state commissions. The Commission's proposal to "[allow] the customer with a number ported from a wireless carrier to maintain the same local calling area that the customer had with the wireless service provider"¹ is tantamount to defining the local calling area of incumbent local exchange carriers contrary to federal law and the Commission's own orders. Section 152 of the Act is clear and unequivocal in reserving authority over intrastate communications to the states.² Even the Commission itself, in defining the scope of reciprocal compensation obligations in its *First Report and Order*, acknowledged that "state commissions have authority to determine what geographic areas should be considered 'local areas'."³ Therefore, the Commission is without authority to define the local calling scope of ILECs or require ILECs to match the calling scope of a wireless

¹ *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, *Further Notice of Proposed Relemaking*, ¶44 (Rel. November 10, 2003). ("Further Notice")

² 47 U.S.C. §152(b).

³ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *First Report and Order*, 11 FCC 15499, FCC 96-325, ¶1035 (1996) ("*First Report and Order*").

provider. Such a requirement is contrary to federal law and would not solve issues surrounding the rate center disparity among wireline and wireless carriers.

The Commission's proposal to have ILECs seek rate design and rate center changes at the state level does not resolve the competitive issues raised by intermodal portability. Consider the limitations faced by the Oklahoma RTCs. Because such companies are limited by OCC order to providing local exchange service and exchange access services, the only rate design changes the Oklahoma RTCs can affect are to local exchange service rates while the rates for the interexchange portion remains subject to another carrier's rate design and underlying costs. Moreover, because of the limitation of facilities, customers must still use an interexchange carrier to complete calls to the ported number. Due to the limitations created by OCC orders, the Oklahoma RTCs cannot simply implement a local measured service option similar to that provided by CMRS providers and that encompasses multiple service areas and interexchange toll services. Requiring wireless carriers to maintain a presence in rural telephone companies' switch, as they do with large LECs, would allow both rural wireline and wireless carriers alike to compete on equal terms for local service.

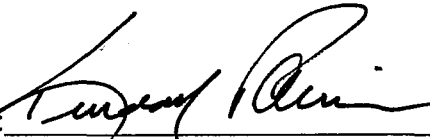
The Commission should recognize that porting local telephone numbers triggers the interconnection obligations under the Act. Specifically, porting of local telephone numbers between rural carriers and wireless providers allows wireless providers to compete as local competitors with the Oklahoma RTCs. Competition for local exchange service and the desire to exchange local traffic should trigger the interconnection requirements under Section 251(c) of the Act. As such, CMRS providers choosing to compete for local service and port local telephone numbers for such purpose should be

required to “interconnect with an incumbent LEC’s network.”⁴ CMRS providers instead seek to require the Oklahoma RTCs and other rural LECs to “exchange” traffic over indirect connections under Section 251(a). To the contrary, the clear language of the Act and the FCC’s orders requires CMRS providers’ to interconnect with the RTCs’ networks for the purpose of exchanging telephone exchange (i.e., “local”) service under Section 251(c) and the RTC’s must permit them to do so using a third party’s facilities.⁵

Finally, the Oklahoma RTCs look forward to participating to the fullest extent in this proceeding, including the presentation of *Ex Parte* comments to further elaborate on the issues discussed herein.

Respectfully submitted,

OKLAHOMA RURAL TELEPHONE COMPANIES

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⁴ First Report and Order, ¶997.

⁵ First Report and Order, ¶997.